

**PIPEWORKMAN
NYDEGGER**
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE (801) 533-9800
FACSIMILE (801) 328-1707

RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
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MICHAEL J. FRODSHAM
JOSEPH L. KRUPA
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BRETT I. JOHNSON
MATTHEW A. BARLOW

† ADMITTED ONLY IN CALIFORNIA

PATENT APPLICATION
Docket No: 13914.380.1.1.1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Dalebout et al.

Serial No.:

10/083,453

Confirmation No.:

8307

Filed:

February 26, 2002

For:

FOLD-OUT TREADMILL

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)
)
)
) Art Unit
) 3764
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TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Mail Stop: IDS – NO FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ____ Statement of relevance of selected cited references not in the English language which are not translated.
- ____ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

____ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

X Form PTO-1449 listing 129 references submitted for consideration.

X Copies of the 129 references listed on the Form PTO-1449.

X English translations as indicated on the Form PTO-1449 of the references which are not in the English language.

____ Copies of the following documents from the prosecution of a previous, related application:

____ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and

____ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. X Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. ____ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

____ Promptness Certification; or

____ Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. ____ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

____ Promptness Certificate;

____ Petition for Consideration; and

____ Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

____ Petition to Withdraw from Issue; and

____ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

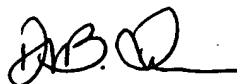
____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

____ The submission fee set forth in 37 C.F.R. § 1.17(p).

____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 20th day of October, 2003.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166
Customer No.: 022913

the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

In accordance with 37 C.F.R. §1.98(c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each non-English reference, if any, are also enclosed.

Statement of Relevance of References Listed
Unaccompanied by English Translation
Under 37 C.F.R. § 1.98(a)(3)

In accordance with 37 C.F.R. § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided:

German Patent No. 83466, Issued 8/15/1908: The figures appear to depict an exercise device which allows the user to perform multiple exercises facing different directions.

Japan Patent No. 56-150562, Issued 1989: The figures appear to depict an exercise device which unfolds from a position against a wall for various exercises without having to move the device away from the wall.

Other Material Information

Also listed on accompanying Form PTO-1449 is a copy of a Treadmill Owner's Manual by Formula 22100 Manual Treadmill (hereinafter referred to as the "Formula document"). While the Formula document does not set forth a date of publication, to the best of requester's present information and belief, the treadmill depicted in the Formula document is believed to have been relabeled, advertised, and sold through the Damark catalog (see page 6 of the Damark reference) as the "Wilson Manual Treadmill." The Formula document is, therefore, being submitted as material

information in compliance with the duty of candor; however, requester reserves the right to challenge whether the Formula document does, in fact, constitute a printed publication within the meaning of 35 U.S.C. § 102 and/or 37 C.F.R. § 1.501.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

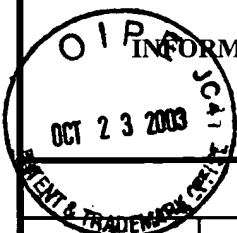
Dated this 20th day of October, 2003.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166
Customer No. 022913

DBD/lrc
LC0000000174V001



INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

13914.3 1.1

Application Number

10/083,453

Applicant(s)

Dalebout, et al.

Filing Date

February 26, 2002

Group Art Unit

3764

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	D 207,541	05/1967	Hesen			
	2	D 211,801	07/1968	Quinton			
	3	321,388	06/1885	Ruebsam			
	4	663,486	12/1900	Boren			
	5	881,521	03/1908	Wilson			
	6	931,394	08/1909	Day			
	7	1,020,777	03/1912	Peterson			
	8	1,715,870	06/1929	Spain			
	9	1,850,530	03/1932	Brown			
	10	1,902,694	03/1933	Edwards			
	11	1,928,089	09/1933	Blickman			

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OCT 28 2003

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FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	12	83466	08/1908	Germany				✓
	13	56-150562	1981	Japan				✓
	14	56-56358	05/1981	Japan			✓	
	15	1169148	10/1969	United Kingdom			✓	
	16	1 326 263	08/1973	United Kingdom			✓	

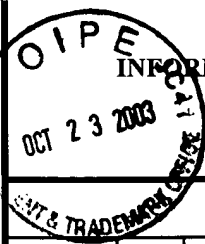
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	17	Copy of Brochure Entitled "Technology for Total Fitness Genesis 2000." 6 pages - copyright 1985.
	18	Copy of Brochure Entitled "Technology for Total Fitness Genesis 3000." 7 pages - copyright 1985.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	19	1,973,945	09/1934	Chavin, et al.			
	20	2,855,200	10/1958	Blickman			
	21	3,127,171	03/1964	Noland, et al.			
	22	3,378,259	04/1968	Kupchinski			
	23	3,586,322	06/1971	Kverneland			
	24	3,589,715	06/1971	Mark, et al.			
	25	3,614,097	10/1971	Blickman			
	26	3,642,279	02/1972	Cutter			
	27	3,659,845	05/1972	Quinton			
	28	3,731,917	05/1973	Townsend			
	29	3,741,538	06/1973	Lewis, et al.			

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FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	30	2 120 560	12/1983	United Kingdom			✓	


OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	31	Cover and selected pages from the Taiwan Buyer's Guide - 1993.
	32	Cover Page, page 2 and 81 from Brochure Entitled "Taiwan Sports Goods" (Buyer's Guide '95).

EXAMINER

DATE CONSIDERED

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<div style="text-align: center;">  <p>INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p> </div>	Docket Number (Optional)	Application Number
	13914.1.1.1	10/083,453
	Applicant(s) Dalebout, et al.	
Filing Date	Group Art Unit	
February 26, 2002	3764	

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	33	3,874,657	04/1975	Niebojewski			
	34	3,918,710	11/1975	Niebojewski			
	35	4,026,545	05/1977	Schonenberger			
	36	4,066,257	01/1978	Moller			
	37	4,248,476	02/1981	Phelps			
	38	4,300,761	11/1981	Howard			
	39	4,383,714	05/1983	Ishida			
	40	4,422,635	12/1983	Herod, et al.			
	41	4,625,962	12/1986	Street			
	42	4,664,646	05/1987	Rorabaugh			
	43	4,679,787	07/1987	Guilbault			

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FOREIGN PATENT DOCUMENTS


REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	44	The Battle Creek Health Walker Catalog - 1958
	45	Owner's Manual for Cross Walk Advantage - 1994

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	46	4,757,987	07/1988	Allemand			
	47	4,776,582	10/1988	Ramhorst			
	48	4,805,901	02/1989	Kulick			
	49	4,826,153	05/1989	Schalip			
	50	4,905,330	03/1990	Jacobs			
	51	4,913,396	04/1990	Dalebout, et al.			
	52	4,913,423	04/1990	Farran, et al.			
	53	4,921,247	05/1990	Sterling			
	54	4,974,831	12/1990	Dunham			
	55	4,998,725	03/1991	Watterson, et al.			
	56	5,002,271	03/1991	Gonzales			

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FOREIGN PATENT DOCUMENTS

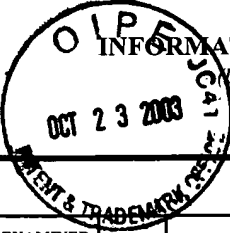
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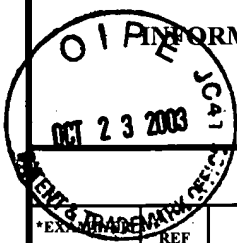
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

57	Copy of Brochure Entitled "Technology for Total Fitness Genesis 4000", available on information and belief, as early as May 1996 (5 pages).
58	Brochure Entitled "Keep Fit with Pioneer Exerciser", available on information and belief, as early as May 1996 (4 pages).

EXAMINER	DATE CONSIDERED
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 <p>INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p>				Docket Number (Optional)		Application Number		
				13914.3 1.1		10/083,453		
				Applicant(s) Dalebout, et al.				
Filing Date				Group Art Unit				
February 26, 2002				3764				
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	59	5,029,801	07/1991	Dalebout, et al.				
	60	5,058,881	10/1991	Measom				
	61	5,102,380	04/1992	Jacobson, et al.				
	62	5,109,778	05/1992	Berkowitz				
	63	5,110,117	05/1992	Fisher, et al.				
	64	5,163,885	11/1992	Wanzer, et al.				
	65	5,184,988	02/1993	Dunham				
	66	5,192,255	03/1993	Dalebout, et al.				
	67	5,207,622	05/1993	Wilkinson, et al.				
	68	5,207,628	05/1993	Graham				
	69	5,282,776	02/1994	Dalebout				
FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)								
	70	Treadmill Owner's Manual by Formula 22100 Manual Treadmill (undated, available on information and belief, as early as September 1998; see also "Other Material Information" in the Information Disclosure Statement).						
	71	Damark International, Inc. Mail Order Catalog, dated November 17, 1994, cover page and page 6.						
EXAMINER				DATE CONSIDERED				
<p>EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>								



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10/083,453Applicant(s)
Dalebout, et al.Filing Date
February 26, 2002Group Art Unit
3764

U.S. PATENT DOCUMENTS

*EXAMINER'S TRADEMARK REVIEW	INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		72	5,299,992	04/1994	Wilkinson			
		73	5,352,167	10/1994	Ulicny			
		74	5,372,559	12/1994	Dalebout, et al.			
		75	5,385,519	01/1995	Hsu, et al.			
		76	5,429,563	07/1995	Engel, et al.			
		77	5,441,467	08/1995	Stevens			
		78	5,518,471	05/1996	Hettinger, et al.			
		79	5,746,682	05/1998	Hung			
		80	3,650,529	03/1972	Salm, et al.			
		81	5,868,648	02/1999	Coody, et al.			
		82	6,672,140	09/1997	Watterson, et al.			

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	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

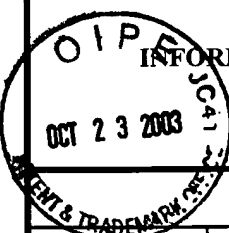
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	83	Sears, Roebuck and Co., <i>Pro-Form 585 TL Low Profile Treadmill, User's Manual</i> , Copyright 1996.

EXAMINER

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February 26, 2002Group Art Unit
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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	84	5,899,834	05/1999	Dalebout, et al.			
	85	6,033,347	03/2000	Dalebout, et al.			
	86	6,350,218	02/2002	Dalebout, et al.			
	87	3,602,502	08/1971	Hampl			
	88	4,151,988	05/1979	Nabinger			
	89	4,544,152	10/1985	Taitel			
	90	4,659,074	04/1987	Taitel, et al.			
	91	4,687,195	08/1987	Potts			
	92	4,848,737	07/1989	Ehrenfield			
	93	4,927,136	05/1990	Leask			
	94	5,145,475	09/1992	Cares			

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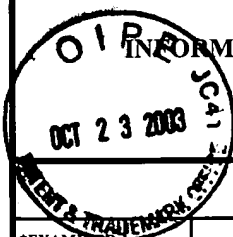
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Group Art Unit

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	95	5,195,935	03/1993	Fencel			
	96	5,328,420	07/1994	Allen			
	97	5,328,422	07/1994	Nichols			
	98	5,352,166	10/1994	Chang			
	99	5,382,209	07/1995	Pasier, et al.			
	100	5,626,539	05/1997	Piaget, et al.			
	101	5,743,833	04/1998	Watterson, et al.			
	102	5,810,696	09/1998	Webb			
	103	D 348,493	07/1994	Ashby			
	104	3,592,466	07/1971	Parsons			
	105	4,759,540	07/1988	Yu, et al.			

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FOREIGN PATENT DOCUMENTS

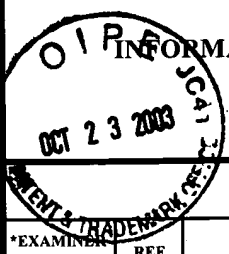
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

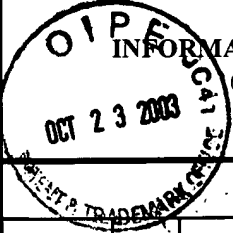
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	106	5,062,632	11/1991	Dalebout, et al.				
	107	5,088,729	02/1992	Dalebout				
	108	5,512,025	04/1996	Dalebout, et al.				
	109	5,518,471	05/1996	Hettinger, et al.				
	110	5,674,453	10/1997	Watterson, et al.				
	111	5,827,155	10/1998	Jensen, et al.				
	112	6,013,011	01/2000	Moore, et al.				
	113	6,045,490	04/2000	Shafer, et al.				
	114	6,050,921	04/2000	Wang				
	115	6,068,578	05/2000	Wang				
	116	6,132,340	10/2000	Wang, et al.				
FOREIGN PATENT DOCUMENTS								
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Filing Date				Group Art Unit				
February 26, 2002				3764				
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	117	6,174,268 B1	01/2001	Novak				
	118	6,179,753 B1	01/2001	Barker, et al.				
	119	6,234,936 B1	05/2001	Wang				
	120	6,280,362 B1	08/2001	Dalebout, et al.				
	121	6,312,363 B1	11/2001	Watterson, et al.				
	122	6,231,482 B1	05/2001	Thompson				
	123	5,527,245	06/1996	Dalebout, et al.				
	124	5,733,228	03/1998	Stevens				
	125	5,833,577	11/1998	Hurt				
	126	5,860,893	01/1999	Watterson, et al.				
	127	5,860,894	01/1999	Dalebout, et al.				
FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								



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3764

PATENT APPLICATION

Docket: 13914.380 1.1.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dalebout et al.

Serial No.: 10/083,453

Confirmation No.: 8307

Filed: February 26, 2002

For: FOLD-OUT TREADMILL

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- Transmittal for Information Disclosure Statement (3 pgs.) (in duplicate)
- Information Disclosure Statement (3 pgs.)
- Form PTO-1449 (11 pgs.)
- Copies of 129 references
- Postcard

Respectfully submitted,

Linda Clark, Assistant to
David B. DeHennbach
Attorney for Applicant
Registration No. 39,166
Customer No.: 022913